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QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST
REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Fifty-fourth year

Letter dated 20 May 1999 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

Reverting to illegal policies and practices, this week, Israel, the occupying Power, resumed colonial settlement activities in and around Occupied East Jerusalem in violation of international law, the Fourth Geneva Convention of 1949 and Security Council and General Assembly resolutions. Specifically, the Israeli side began actual construction at Jabal Abu Ghneim, to the south of East Jerusalem, on Sunday, 16 May, and at Ras al-Amud, an Arab neighbourhood within the original boundaries of the municipality of East Jerusalem, on Tuesday, 18 May.

For more than three decades, Israel, the occupying Power, has pursued such illegal measures and activities with the clear intention of increasing Jewish settlement in the city and thereby illegally altering the demographic composition, geographical nature and character of the city. Recent actions in this regard have been overtly designed to alter the facts on the ground and impose a fait accompli with regard to the status of Jerusalem prior to the negotiation of a final settlement in the peace process. Taking advantage of intentional delays and the stalemate in the peace process, the current Israeli Government has decided to proceed with the construction of the two above-mentioned settlements in total contempt of international law and the unequivocal position of the international community in this regard.

The crisis regarding the illegal settlement at Jabal Abu Ghneim was first brought before the Security Council in a letter dated 28 April 1995 (A/50/168-S/1996/341) concerning the Israeli Government's decision to confiscate 53 hectares of Palestinian land within the area of illegally expanded and annexed East Jerusalem. The Security Council convened in May 1995 to consider this critical situation. That meeting resulted in the veto of a draft resolution by a permanent member. At a later stage, in July 1995, the Israeli Government decided not to proceed with construction. However, construction attempts were revived again in 1997 under Mr. Netanyahu's administration.

The Chairman of the Group of Arab States brought the issue to the attention of the Security Council in a letter dated 25 February 1997 (A/51/808-S/1997/157). On 5 March 1997, the Council convened to address this serious matter, which was followed by the resumption of the fifty-first session of the General Assembly on 12 and 13 March 1997 and the convening of another Council meeting on 21 March 1997. Although the Assembly overwhelmingly adopted a resolution condemning Israel's illegal actions (resolution 51/223), the Council failed to carry out its responsibilities in response to this crisis owing to two consecutive vetoes by a permanent member. In the interim between the two Council meetings, Palestine submitted two letters, on 17 March 1997 (A/51/834-S/1997/228) and 18 March 1997 (A/51/837-S/1997/233), calling upon the Council to undertake measures to bring about the full and immediate cessation of illegal Israeli settlement activities in the Occupied Palestinian Territory, including Jerusalem.

Moreover, the crisis at Jabal Abu Ghneim led to the convening by the General Assembly, for the first time in 15 years, of an emergency special session ("Uniting for Peace"). The tenth emergency special session was convened on 24 April 1997 to consider "illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory". The session, which was resumed four times following that initial meeting, overwhelmingly adopted five strong resolutions (ES-10/2 of 25 April 1997, ES-10/3 of 15 July 1997, ES-10/4 of 13 November 1997, ES-10/5 of 17 March 1998 and ES-10/6 of 9 February 1999) condemning Israel's construction at Jabal Abu Ghneim and all other illegal Israeli actions in the occupied territories and reaffirming the applicability of the Fourth Geneva Convention of 1949 to the Occupied Palestinian Territory, including Jerusalem. Further, the resolutions reaffirmed that all legislative and administrative measures and actions taken by Israel that have altered or purported to alter the character, legal status and demographic composition of Jerusalem are null and void and have no validity whatsoever. As it has done with regard to countless Security Council and General Assembly resolutions over the decades, Israel has ignored those resolutions of the emergency special session and has actually completed work on the infrastructure of the illegal settlement at Jabal Abu Ghneim.

The illegal construction at Ras al-Amud, a crowded Arab neighbourhood of Occupied East Jerusalem, was also brought to the attention of the Security Council in two letters dated 19 September 1997 (A/52/371-S/1997/727 and A/ES-10/15) and 27 August 1998 (A/52/1025-S/1998/816). The construction at Ras al-Amud represents yet another step in Israel's colonial settlement campaign in the Occupied Palestinian Territory and another specific attempt aimed at judaizing Jerusalem and illegally changing its demographic composition and

character. In both letters, it was emphasized that the Security Council needed to take immediate action with the aim of reversing the Israeli decision concerning Ras al-Amud and bringing an end to the repeated violations of international law and resolutions of the Council in this regard.

Today, as mentioned above, we are once again confronted with illegal Israeli actions at Jabal Abu Ghneim and Ras al-Amud. This serious situation must be responded to and addressed appropriately and in a timely manner. As indicated above, it is probable that a lack of decisive action by the Council was construed by the Israeli side as encouragement to proceed with such illegal measures. The Security Council, as the body responsible for the maintenance of international peace and security, has the duty to take immediate action in order to reverse the Israeli decisions, bring an end to these violations and ensure respect for the Council's resolutions as well as for international law.

I would be grateful if you would arrange to have the text of the present letter distributed as a document of the General Assembly, under agenda items 39, 40 and 84, and of the Security Council.

(Signed) Nasser AL-KIDWA
Ambassador
Permanent Observer of Palestine
to the United Nations